

# Calendar No. 1040

69TH CONGRESS }  
1st Session }

SENATE

{ REPORT  
No. 1069

## DEPORTATION OF ALIEN SEAMEN

JUNE 9 (calendar day, JUNE 14), 1926.—Ordered to be printed

Mr. KING, from the Committee on Immigration, submitted the following

### REPORT

[To accompany S. 3574]

The Committee on Immigration, to whom was referred the bill (S. 3574) to provide for the deportation of certain alien seamen, and for other purposes, having considered the same, reports the bill with the recommendation that the same do pass.

Quite recently the United States has perceived the necessity of restricting immigration and has enacted measures to accomplish that result. It has also sought to develop a merchant marine, not only for the purpose of aiding in the expansion of our foreign trade, but also to serve as auxiliary craft to our Navy in any crisis.

For a number of years a million or more immigrants were annually landed upon our shores, but under the present laws those lawfully permitted to enter as immigrants will not exceed 160,000 annually.

A similar bill to the one under consideration was offered as an amendment to the immigration act of 1924. Hearings were had upon that bill and also upon S. 3574. It was shown by competent witnesses at both of the hearings that large numbers of persons have been smuggled into the United States in violation of treaties as well as of our laws. Testimony was submitted at the hearings showing that, for a considerable number of years persons who were not admissible, particularly orientals, have been brought into the United States in ships of various countries and smuggled ashore. Testimony was given that the smuggling of orientals was exceedingly profitable to those engaged in this illegal traffic. The latest prices paid for landing persons of the nationalities just referred to, were from several hundred dollars per person up to \$1,100. Shortly after the immigration law of 1917 was enacted, many persons from Europe and western Asia were smuggled into the United States, those engaged in the work receiving large sums for their illegal operations. With the strengthening of our immigration laws, the greater has been the number of

aliens who have sought to enter the United States in violation of the law. As a result, the smuggling of aliens into the United States has increased, and the use of ships entering our ports for that purpose has been enlarged. Congress has made liberal provisions to enforce the immigration laws and to guard our ports of entry and our borders against the surreptitious entry of aliens.

The hearings referred to clearly indicate, however, that no effective plan has yet been devised of preventing seamen and persons claiming to be seamen from entering into ports of the United States. Some of the witnesses declared that those illegally entering as seamen, or alleged seamen, pass through a side door which is not guarded. The necessity of protecting our country from these illegal entries has been apparent for some time, and to effectuate that object, the measure referred to was offered.

There was also testimony tending to show that there are a large number of desertions of so-called seamen in the various ports of the United States. It is claimed that the number of desertions for the purpose of illegally entering the United States approximates 40,000 per annum. With the increasing number of vessels coming to our shores, it is obvious that the number of illegal entrants through this side door will increase.

Mr. Hurley, representing the Department of Labor, in his testimony, stated that many persons who were not eligible to enter the United States as immigrants have landed upon our shores and are now scattered throughout the United States. They entered as seamen, but did not depart with the vessels upon which they came, and they are to be found by the thousands, particularly in the industrial centers of the United States.

Efforts to deport these illegal entrants have not been successful. It is true that approximately 2,000 persons illegally entering as seamen have been deported. Some of these have been deported at the expense of the United States. It was testified before the committee that various shipping interests, directly and indirectly, received large sums for bringing these illegal entrants into the United States. When any of these persons are discovered by any of the immigration agents and deported, the vessels carrying them from our shores are paid by the United States. There is testimony tending to show that many of those who illegally enter as seamen would be excluded under the immigration laws. To ship as seamen they resort to subterfuge and fraud. They are unable to perform the work of seamen and thus impose additional burdens upon bona fide seamen; and also, because of their lack of knowledge, they imperil those who travel upon the high seas. They, furthermore, injure competent seamen by accepting lower wages, and because of their lack of character they attach a stigma to the reputation of faithful, competent, and bona fide seamen.

The United States has attempted to develop a body of efficient seamen and to that end amended our maritime laws by distinguishing the law for safety at sea, as such, from the master and servant law, as such, relegating the enforcement of the master and servant law, in so far as it is not repealed, to the civil courts, leaving the seamen as free as other American workers while the vessel is in a safe harbor and retaining the fullest discipline when the vessel is subject to the hazards of the sea.

Senate bill 3574 distinguishes between a bona fide and a mala fide seaman. The former may come and go as provided in the so-called seamen's act and the rules prescribed under the immigration law; it further provides for the immediate deportation as a passenger in a vessel other than that which brought him to our shores, but at the expense of the ship upon which he came to the United States.

Opposition to the bill can not be raised upon the supposed difficulty of distinguishing bona fide seamen from mala fide seamen. Mr. Peterson testified before the committee, as a representative of the shipowners, and Mr. Hurley also gave testimony upon this point, and both testified that those employing persons to serve as seamen could readily determine whether persons seeking employment were seamen or otherwise.

Another important provision of the bill is as follows:

All vessels entering ports of the United States manned with crews the majority of which, exclusive of licensed officers, have been engaged and taken on at foreign ports shall, when departing from the United States ports, carry a crew of at least equal number.

It was shown at the hearings that maritime countries have their statutes or regulations providing for a minimum number of men in the crew of a vessel; that the master and owner of the ships may agree to carry a greater number. Presumably this is done for the safety of the vessel.

The testimony further showed that the same number of men should be required to take a vessel from the United States ports as are required to man it upon its voyage to our ports. The provision just referred to is, therefore, in the interest of safety, and foreign nations can not complain, as the law will aid them in executing their own laws for the protection of ships and passengers.

Section 7 of the bill provides that no person can come into the ports of the United States as a seaman unless he (a) could come as an immigrant; (b) unless he is a subject or citizen specifically of the country under whose flag he serves, as distinct from being born in and subject to any of its colonies, possessions or mandates; (c) unless the vessel upon which he serves comes into a port of the United States in distress.

This provision was considered by the House Committee on Immigration and Naturalization prior to the passage of the act of 1924. It was offered as an amendment to the 1924 immigration bill by Mr. Raker, of California. It was approved by the Department of Labor and the Commissioner of Navigation, with a slight amendment. The Department of State suggested an amendment, and stated that with its adoption there was nothing in existing treaties which would conflict with the bill and the amendments suggested. The hearings contain the letters from the various officials mentioned. In order that the bill would not be endangered, the amendments were withdrawn in the House, but when the bill was under discussion these provisions were offered as amendments. Because of a lack of understanding of their full significance the amendments were not agreed to.

The same provisions were offered in the Senate, but there was some objection, based upon the mistaken view that it might have some influence upon our commerce. It is believed that the bill will aid American shipping and will not be offensive to foreign nations. It applies to the vessels of all nations, American as well as others. It

is not discriminatory, nor does it offend against treaties or that spirit of comity which should exist between nations. It is deemed necessary in order to enforce the immigration laws of the United States. This measure will increase the freedom of vessels obeying it as well as diminishing their expenses, for the reason that they are now subject to fines which, in some instances, can not be guarded against, but from which, under this bill, if it becomes law, they would be immune.

The bill, if enacted into law, may not completely abolish the smuggling of persons into the United States, but it will prevent frauds and prove effective against the efforts of many who illegally enter the United States.

